

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION**

WSOU INVESTMENTS, LLC, d/b/a
BRAZOS LICENSING AND DEVELOPMENT,

Plaintiff,

v.

HEWLETT PACKARD ENTERPRISE
COMPANY,

Defendant.

Civil Action No. 6:20-cv-00730-ADA

**DECLARATION OF MICHAEL R. FRANZINGER IN SUPPORT OF
HEWLETT PACKARD ENTERPRISE COMPANY'S MOTION TO DISMISS
FOR LACK OF SUBJECT MATTER JURISDICTION PURSUANT TO
FEDERAL RULE OF CIVIL PROCEDURE 12(B)(1)**

I, Michael R. Franzinger, hereby declare, affirm and state as follows:

1. I am an attorney with Sidley Austin LLP, counsel to Defendant Hewlett Packard Enterprise Company. I am a member of the bar of this Court. I have personal knowledge of the matters stated in this Declaration and would testify truthfully to them if called upon to do so.

2. Attached hereto as Exhibit 1 is a true and correct copy of a recorded Assignment of U.S. Patent Application for the '774 patent (USPTO Reel/Frame 025674/0203), obtained from <https://assignment.uspto.gov/> on October 6, 2021.

3. Attached hereto as Exhibit 2 is a true and correct copy of a recorded '774 patent Assignment (USPTO Reel/Frame 027729/0802), obtained from <https://assignment.uspto.gov/> on October 6, 2021.

4. Attached hereto as Exhibit 3 is a true and correct copy of a recorded '774 patent Assignment (USPTO Reel/Frame 044000/0053), obtained from <https://assignment.uspto.gov/> on October 6, 2021.

5. Attached hereto as Exhibit 4 is a true and correct copy of the Patent Purchase Agreement produced by WSOU bearing Bates Nos. WSOU-HPE-00008254 – 00008272, as served in this litigation.

6. Attached hereto as Exhibit 5 is a true and correct copy of the Patent Assignment Schedule B1 produced by WSOU bearing Bates Nos. WSOU-HPE-00005417 – 00005568, as served in this litigation.

7. Attached hereto as Exhibit 6 is a true and correct copy of the Amendment to Patent Purchase Agreement produced by WSOU bearing Bates Nos. WSOU-HPE-00008732 – 00008736, as served in this litigation.

8. Attached hereto as Exhibit 7 is a true and correct copy of the Patent Purchase Agreement – Schedule A produced by WSOU bearing Bates Nos. WSOU-HPE-00008273 – 00008474, as served in this litigation.

9. Attached hereto as Exhibit 8 is the output of a search for WSOU's cases in the U.S. District Courts, run on the Docket Navigator web service on October 6, 2021.

10. Attached hereto as Exhibit 9 is a true and correct copy of the WSOU Operating Agreement produced by WSOU bearing Bates Nos. WSOU-HPE-00011084 – 00011102, as served in this litigation.

11. Attached hereto as Exhibit 10 is a true and correct copy of WSOU's Responses and Objections to HPE's First Set of Interrogatories, as served in this litigation.

12. Attached hereto as Exhibit 17 is a true and correct copy of the Fifth Amendment to Patent Purchase Agreement produced by WSOU bearing Bates Nos. WSOU-HPE-00010964 – 00010978, as served in this litigation.

13. Attached hereto as Exhibit 18 is a true and correct copy of the Fifth Amendment to Patent Assignment Amended Schedule B1 produced by WSOU bearing Bates Nos. WSOU-HPE-00005664 – 00005815, as served in this litigation.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Dated: October 7, 2021

/s/ Michael R. Franzinger

Michael R. Franzinger